

cancelled, any claim which is directly or *indirectly* dependent thereon should be allowed if it is otherwise allowable.” MPEP § 2260.01 (emphasis added). Claim 6 is indirectly dependent upon original claim 1 of the ‘669 patent. Claim 6 was not reexamined and was “otherwise allowable,” so it exists in its original form. The Court did not commit error in its application of MPEP § 2260.01.

For these reasons, as well as those detailed in Adrain’s Opposition (Doc. 213), Adrain respectfully requests that Vigilant’s motion be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 20th day of June, 2013, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by, electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ John T. Polasek